

### **REMARKS/ARGUMENT**

Claims 1-5, 7, 8, 11 and 22-28 are pending in the application. Reconsideration is requested in view of the above changes and the following remarks. Claim 27 has been amended to remove the species of silver salt precipitant, in view of the amendment of claim 1 to recite polyvalent metal ion precipitants.

#### **Interview Summary**

Applicants thank Examiner Yu and Supervisory Examiner Padmanaban for the courtesies extended during the telephonic interview with the undersigned attorney on October 25, 2004. Claims 1 and 27 were discussed. No exhibit or demonstration was shown. Bakis et al. ("Bakis") was discussed. The amendment made herein to claim 1 was proposed and discussed. The undersigned presented reasons why one of ordinary skill in the art would not interpret the starting material of Bakis Example 2 as being the cross-linked foam of Example 1. The undersigned indicated that one of ordinary skill in the art would understand that the 3"x3" gauze pad of Bakis Example 2 was treated with the un-cross-linked foam formed in the second sentence of Bakis Example 1. These arguments were also presented in the response filed Dec. 24, 2003.

The Examiners indicated that the arguments were persuasive on the point that the starting material of Bakis Example 2 was un-cross-linked foam, not cross-linked foam. However the Examiners requested further clarification on two points: (1) the support for the amendment to claim 1 wherein the second precipitant comprises a polyvalent metal ion; and (2) the nonobviousness of the substitution of a polyvalent metal-ion containing precipitate for the monovalent sodium citrate of Bakis Example 1. Both points are addressed below.

#### **Response to Rejections**

Claims 1-5, 7, 8, 11 and 25-27 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Bakis in view of Gilchrist (WO 96/17595). Claim 22 (incorrectly identified as "Claim 2" in the office action) is rejected as allegedly obvious over the same combination, further in view of Kobayashi et al. (US 5,641,450). Claim 23 is rejected as allegedly obvious over Bakis in view of Gilchrist, further in view of Kehr et al. (US 4,201,846). Claims 24 and 28 are rejected as allegedly obvious over Bakis in view of Gilchrist, further in view of Clare et al. (US 4,693,728).

Examiner maintains that Bakis teaches two precipitation steps, a first precipitation with calcium chloride and a second precipitation with HCl. Examiner alleges that HCl acts as a precipitant in the second step because it causes precipitation when it reacts with calcium chloride-treated foam.

While not necessarily agreeing with Examiner, and in an effort to advance prosecution, claim 1 has been amended to recite that the first and second precipitants comprise a polyvalent metal ion. Support for the amendment appears at page 2, lines 19-35. Support for the second precipitant comprising a polyvalent metal ion is further found on page 9, lines 7 to 11, which refers to the use of the precipitant after foaming. This passage, taken in conjunction with page 2, lines 19-35 (which refers to the precipitant being a polyvalent metal ion), provides adequate basis for a second precipitant comprising a polyvalent metal ion.

Claim 1 has been further amended to correct the inadvertent omission of the word "agent" in line 4.

HCl, the alleged second "precipitant" in Bakis, does not contain a metal ion, let alone a polyvalent metal ion. There is no teaching or suggestion in Bakis, or any other reference of record for that matter, of a second precipitation step utilizing a precipitant which comprises a polyvalent metal ion.

Thus, even assuming arguendo that HCl may be loosely construed as a "precipitant" in the context of Bakis, the result of the asserted combination is not the claimed invention, because HCl does not comprise a polyvalent metal ion.

Moreover, the selection of a second precipitant which comprises a polyvalent metal ion would not have been obvious in view of the sodium citrate of Bakis Example 1. In the second paragraph of Bakis Example 1, a cross-linked foam is treated with sodium citrate to induce gelation of the foam. While sodium citrate is monovalent, not polyvalent as required by the present claims, the Examiners requested argument as to why the use of a polyvalent metal ion containing precipitant would not be obvious over the use of sodium citrate in Bakis Example 1.

Treatment of the Bakis foam with sodium citrate operates in a completely different way than treatment with a polyvalent metal ion containing precipitant as in the present invention. Bakis' treatment of a cross-linked foam in Example 1 with sodium citrate caused foam gelation,

not stabilization, as in the present invention. Sodium alginate is more soluble than calcium alginate. In other words, in the Bakis example, the sodium citrate partially converted the foam to sodium alginate, which is soluble in water. This process caused the foam to become more gelatinous (col. 8, lines 37-38). By contrast, treating the foam with a polyvalent metal ion according to the present invention would have created an increased degree of cross-linking, and the foamed structure would have become more stable, i.e., less soluble.

The invention of claim 1 is not obvious over the asserted combination of references. Claim 1 is believed allowable.

All other claims in the application depend directly or indirectly from claim 1. In view of the allowability of claim 1, all other claims are similarly allowable.

Applicant believes that the Application as currently amended is in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

THOMAS GILCHRIST, ET AL.

By: 

DANIEL A. MONACO  
Registration No. 30,480  
Drinker Biddle & Reath, LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-3312  
(215) 988-2757 - Fax  
Attorney for the Applicants